



Report from the Department of Justice

December 2, 2021

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Statistics

Reporting Period: 8/16/21 – 11/15/21

Total Petitions Filed in the United States Court of Federal Claims this Reporting Period: 300

- **Involving Minors: 34**
- **Involving Adults: 266**

Statistics

Reporting Period: 8/16/21 – 11/15/21

Total Petitions Adjudicated this Reporting Period: 266

- **Cases Compensated: 222**
 - **Cases conceded by HHS: 96**
 - **Decisions awarding Damages: 12**
 - **Decisions adopting Proffer: 84**
 - **Decisions adopting Settlement: 0**
 - **Cases not conceded by HHS: 126**
 - **Decisions awarding Damages: 4**
 - **Decisions adopting Proffer: 0**
 - **Decisions adopting Settlement: 122**
- **Cases Not Compensated/Dismissed: 44**

Statistics

Reporting Period: 8/16/21 – 11/15/21

Total Petitions Voluntarily Withdrawn this Reporting Period: 21

- No judgments are issued in withdrawn cases

Appeals: U.S. Court of Appeals for the Federal Circuit

Decided Cases

Appeals by Petitioner:

- *None at this time*

Appeals by Respondent:

- *None at this time*

Appeals: U.S. Court of Appeals for the Federal Circuit

Pending Cases

Appeals by Petitioner:

- *Sanchez v. HHS* (Entitlement)
- *Webb v. HHS* (Entitlement)

Appeals by Respondent:

- *Wright v. HHS* (Entitlement)

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Petitioner:

- *Bull v. HHS* (Entitlement): Affirmed
- *Colon v. HHS* (Entitlement): Affirmed
- *Goodgame v. HHS* (Attorneys' Fees/Costs): Affirmed
- *Loyd v. HHS* (Entitlement): Affirmed
- *Patton v. HHS* (Entitlement): Remanded
- *Perkins v. HHS* (Entitlement): Affirmed
- *Wirtshafter v. HHS* (Attorneys' Fees/Costs): Reversed

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Respondent:

- *Flores v. HHS* (Entitlement): Affirmed in Part & Reversed in Part

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Petitioner:

- *Bello v. HHS* (Entitlement)
- *Bossenbroek v. HHS* (Damages)
- *Caredio v. HHS* (Entitlement)
- *Cottingham v. HHS* (Attorney's Fees/Costs)
- *Ling v. HHS* (Entitlement)
- *Mager v. HHS* (Entitlement)
- *Matthews v. HHS* (Entitlement)
- *Villarroel v. HHS* (Entitlement)

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Respondent:

- *Contreras v. HHS (Attorney's Fees/Costs)*
- *Doles v. HHS (Entitlement)*

Scheduled Oral Arguments

U.S. Court of Appeals for the Federal Circuit:

- *None at this time*

U.S. Court of Federal Claims:

- *Caredio v. HHS*, held on November 18, 2021
- *Mager v. HHS*, December 8, 2021
- *Villarroel v. HHS*, held on September 28, 2021

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
1.	Tdap	Gastroparesis	5 Years 10 Months
2.	Flu	GBS, CIDP	6 Years 0 Months
3.	Flu	SIRVA	5 Years 0 Months
4.	Flu	Transverse myelitis	4 Years 8 Months
5.	Flu	GBS	4 Years 8 Months
6.	Flu	Bell's Palsy	4 Years 5 Months
7.	Flu	GBS	4 Years 2 Months
8.	Flu	MS	4 Years 1 Months
9.	Flu	SIRVA	4 Years 3 Months
10.	Flu	SIRVA	4 Years 1 Months
11.	Flu	GBS	3 Years 11 Months
12.	Flu	SIRVA	4 Years 0 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
13.	Flu	Transverse myelitis	3 Years 9 Months
14.	Flu	CNS Vasculitis, ADEM	3 Years 9 Months
15.	Tdap	SIRVA	3 Years 10 Months
16.	Flu	ADEM	3 Years 10 Months
17.	Flu	GBS	3 Years 8 Months
18.	Flu	GBS	3 Years 5 Months
19.	Tdap	SIRVA	3 Years 4 Months
20.	Flu	SIRVA	3 Years 4 Months
21.	Prevnar13	Connective tissue disease	3 Years 4 Months
22.	Tdap	CIDP	3 Years 5 Months
23.	Flu	CIDP	3 Years 2 Months
24.	Flu	SIRVA	3 Years 2 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
25.	Tdap	ADEM	3 Years 1 Months
26.	Flu	Allergic reaction	3 Years 2 Months
27.	Tdap	GBS	3 Years 1 Months
28.	Flu	NMO	3 Years 0 Months
29.	Flu	SIRVA	2 Years 11 Months
30.	Flu	SIRVA	3 Years 0 Months
31.	Flu	CIDP	3 Years 0 Months
32.	Tdap	SIRVA	3 Years 0 Months
33.	Flu	GBS	2 Years 11 Months
34.	Flu	Myasthenia Gravis	3 Years 0 Months
35.	Flu	SIRVA	2 Years 8 Months
36.	Flu	SIRVA	2 Years 9 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
37.	Hep B, IPV	ITP	2 Years 10 Months
38.	Tdap	SIRVA	2 Years 8 Months
39.	Tdap	SIRVA	2 Years 8 Months
40.	Flu	Encephalitis, thrombosis	2 Years 9 Months
41.	Flu	SIRVA	2 Years 6 Months
42.	Flu	SIRVA	2 Years 8 Months
43.	Flu	GBS	2 Years 5 Months
44.	Flu	SIRVA	2 Years 5 Months
45.	Flu	SIRVA	2 Years 6 Months
46.	Hep B	SIRVA, CRPS	2 Years 3 Months
47.	Flu	SIRVA	2 Years 4 Months
48.	Flu	SIRVA	2 Years 3 Months

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Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
49.	Flu	ADEM	2 Years 4 Months
50.	Flu	SIRVA	2 Years 5 Months
51.	Tdap	SIRVA	2 Years 4 Months
52.	Flu	SIRVA	2 Years 2 Months
53.	Flu, Prevnar13	SIRVA	2 Years 1 Months
54.	Flu	SIRVA	2 Years 2 Months
55.	Flu	SIRVA	2 Years 2 Months
56.	Flu	GBS	2 Years 2 Months
57.	Flu	SIRVA	2 Years 2 Months
58.	Flu	SIRVA	2 Years 1 Months
59.	Flu	Tendonitis, brachial neuritis	2 Years 2 Months
60.	Flu	SIRVA	2 Years 0 Months

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Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
61.	Flu	SIRVA	2 Years 0 Months
62.	Flu	SIRVA	2 Years 0 Months
63.	Flu	SIRVA	2 Years 2 Months
64.	Tetanus	SIRVA	2 Years 0 Months
65.	Flu	SIRVA	1 Years 11 Months
66.	Flu	SIRVA	2 Years 0 Months
67.	Flu	SIRVA	2 Years 2 Months
68.	HPV, Tdap, MCV	GBS	2 Years 1 Months
69.	Tdap	GBS	2 Years 2 Months
70.	HPV	SIRVA	2 Years 2 Months
71.	Flu	SIRVA	1 Years 11 Months
72.	Flu	Transverse myelitis, BSS	2 Years 0 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
73.	Flu	SIRVA	2 Years 1 Months
74.	Flu	SIRVA	2 Years 0 Months
75.	Flu	SIRVA	1 Years 11 Months
76.	Flu	Anaphylaxis, urticarial	2 Years 0 Months
77.	Flu	SIRVA	1 Years 11 Months
78.	Flu	SIRVA, brachial neuritis	1 Years 10 Months
79.	Flu	SIRVA	1 Years 11 Months
80.	Flu	SIRVA	2 Years 0 Months
81.	Flu	SIRVA	1 Years 10 Months
82.	Flu	SIRVA	2 Years 0 Months
83.	Flu	SIRVA	1 Years 9 Months
84.	Flu	SIRVA	1 Years 10 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
85.	Flu	SIRVA	1 Years 11 Months
86.	Flu	SIRVA	2 Years 0 Months
87.	Flu, Tdap	SIRVA	1 Years 9 Months
88.	Flu	SIRVA	1 Years 9 Months
89.	Flu	SIRVA	1 Years 10 Months
90.	Flu	EM, FDE	1 Years 10 Months
91.	Flu	CIDP	1 Years 10 Months
92.	Flu	GBS	1 Years 10 Months
93.	Flu, Hep A	ADEM, encephalitis	1 Years 9 Months
94.	Flu	SIRVA	1 Years 8 Months
95.	Flu	SIRVA	1 Years 8 Months
96.	Flu	Acute kidney injury	1 Years 9 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
97.	Flu	SIRVA	1 Years 8 Months
98.	Flu	SIRVA	1 Years 9 Months
99.	Tdap	Brachial neuritis	1 Years 8 Months
100.	Flu	SIRVA	1 Years 7 Months
101.	Flu	SIRVA	1 Years 8 Months
102.	Flu	SIRVA	1 Years 8 Months
103.	Flu	SIRVA	1 Years 7 Months
104.	Flu	SIRVA	1 Years 6 Months
105.	Flu	SIRVA	1 Years 5 Months
106.	Flu	SIRVA	1 Years 6 Months
107.	Flu	SIRVA	1 Years 5 Months
108.	Flu	SIRVA	1 Years 6 Months
109.	Flu	SIRVA	1 Years 6 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 8/16/21 – 11/15/21

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
110.	Flu	SIRVA	1 Years 5 Months
111.	Flu	SIRVA	1 Years 3 Months
112.	Flu	GBS	1 Years 3 Months
113.	Flu	SIRVA	1 Years 5 Months
114.	Flu	SIRVA	1 Years 3 Months
115.	Td	CIDP	1 Years 4 Months
116.	Flu	SIRVA	1 Years 2 Months
117.	Flu	SIRVA	1 Years 3 Months
118.	Tdap	GBS	1 Years 0 Months
119.	Flu	GBS	0 Years 11 Months
120.	Tdap	GBS	1 Years 1 Months
121.	Flu	GBS	1 Years 1 Months
122.	Flu, MMR	GBS, CIDP	1 Years 0 Months

*Terms of compensated settlements memorialized by Stipulation

Appendix

Glossary of Terms

- **Petitions Adjudicated:** Final judgment has entered on the petition in the United States Court of Federal Claims.
- **Final Judgment:** Clerk of Court, United States Court of Federal Claims, enters judgment awarding or denying compensation.
- **Compensable:** Petitioner received an award of compensation, which can be achieved through a concession by HHS, settlement, or decision on the merits by the special master, United States Court of Federal Claims.
- **Conceded by HHS:** HHS concluded that a petition should be compensated based on review and analysis of the medical records.

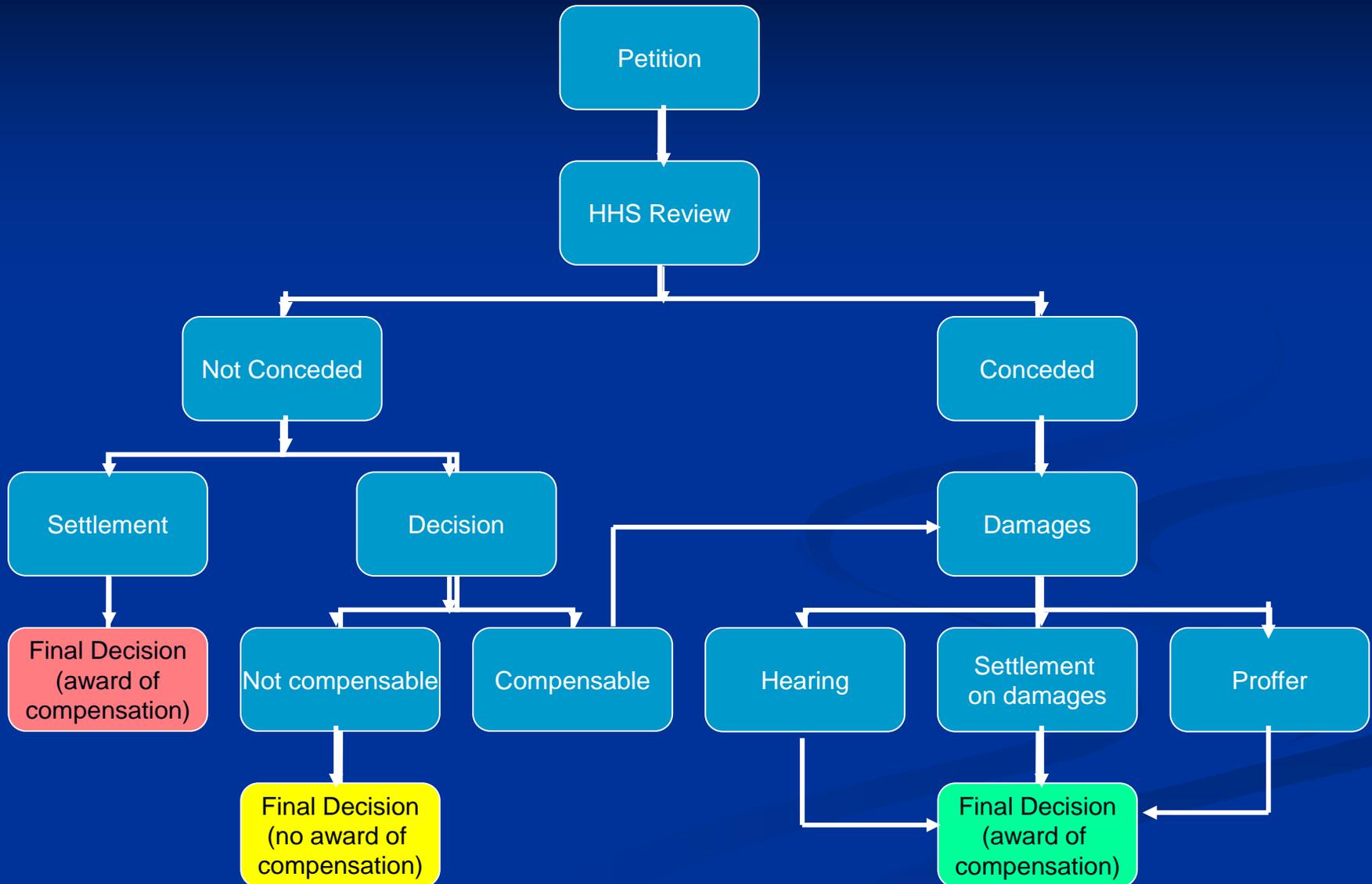
Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties, and results in the filing of a stipulation that memorializes the terms of the settlement.
- **Decision:** Special Master issues decision on the merits of the petition.
- **Non-compensable/Dismissed:** Petition dismissed.
- **Proffer:** After discussions between the parties regarding a reasonable amount of damages, respondent will file a suggested award of compensation, known within the Program as a “Proffer,” which is also agreed to by petitioners and their counsel. The Proffer is reviewed by the presiding special master to determine that it represents a reasonable measure of the amount of the award and describes compensation pursuant to 42 U.S.C. § 300aa-15(a). The special master issues a final decision consistent with the terms of the Proffer.

Glossary of Terms

- **Affirmed:** Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.
- **Reversed:** Case has been reviewed on appeal, and the court on appeal disagreed with the decision of the lower court. The court on appeal typically provides reasons for reversing, and that decision becomes the law of the case, absent further appeal.
- **Remanded:** Case has been reviewed on appeal, and the reviewing court has a problem with the decision, and sends it back to the lower court. Typically, a case is remanded with a specific question or issue for the lower court to address.
- **Vacated:** Case has been reviewed on appeal, and the reviewing court has voided the lower court's decision.

Petition Processing in the Office of Special Masters



Levels of Appeal in Vaccine Act Cases

U.S. Supreme Court

**U.S. Court of Appeals for the
Federal Circuit**

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process

